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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT
OF CALIFORNIA

TOPANGA PRESS, INC., *et al.*,
Plaintiffs,
v.
CITY OF LOS ANGELES, a
municipal corporation, *et al.*,
Defendants.

Case No. CV-88-7838 RG (Kx)

(Consolidated with:
Case No. CV 89-2069 RG;
Case No. CV 89-3791 RG;
Case No. CV 91-0689 RG;
Case No. CV 91-1035 RG;
Case No. CV 91-1122 RG; and
Case No. CV 91-1653 RG)

PRELIMINARY INJUNCTION

Plaintiffs' three motions for preliminary injunction against enforcement of various aspects of L.A.M.C.

§ 12.70 came on for hearing before this court on June 17, 1991. Appearing as attorneys were: G. Randall Garrou and Robert A. Sarno of Weston & Sarno for plaintiffs, and L. Wayne Mooney, Deputy City Attorney, as attorney for defendant CITY OF LOS ANGELES.

Based upon the numerous declarations, exhibits and memoranda filed with the Court by both sides, and based upon the argument presented at the hearing on these motions, this Court finds that plaintiffs have raised a number of substantial and non-frivolous legal and factual issues in support of their challenge to the constitutionality of this ordinance, some of which can only be resolved after a trial on the merits. The Court further finds that the balance of hardships tips decidedly in favor of plaintiffs as they will be forced to cease their First amendment-protected activities or be subject to the possibility of immediate criminal prosecution under this ordinance absent injunctive relief from this Court. In contrast, the City will not suffer comparable harm if the status quo is merely preserved until the merits of plaintiffs numerous challenges can be finally determined at trial.

By this ruling, the Court initmates [*sic*] no view as to whether plaintiffs are likely to ultimately succeed on the merits. It merely finds that principles of equity demand preservation of the status quo pending trial.

THEREFORE, IT IS HEREBY ORDERED:

During the pendency of this action or until further court order, defendant CITY OF LOS ANGELES and its officers, employees, agents, attorneys and representatives, and all persons acting in concert or participating with them are enjoined from:

(1) instituting any civil, criminal or administrative proceedings against plaintiffs or their shareholders, officers,

agents or employees for conducting an "adult bookstore", "adult arcade", "adult cabaret" or an "adult theatre" at any of the following locations in alleged violation of those portions of Los Angeles Municipal Code § 12.70C prohibiting establishment or operation of an adult entertainment business within 500 feet of a residential zone: TOPANGA PRESS, INC.'s store located at 7566 Melrose Avenue; STUART PARR's store located at 6408 Tujunga Avenue; BRAND X VIDEO, INC.'s store located at 6161 Van Nuys Blvd.; E.W.A.P., INC.'s stores located at 12323 Ventura Blvd.; 4877 Lankershim Blvd.; 4459 W. Sunset Blvd.; 4539 Van Nuys Blvd.; and 21625 Sherman Way; LIBRARY ONE, INC.'s store located at 752 Alvarado Blvd.; HARDROCK, INC.'s store located at 10930 Vanowen; BEVERLY BOOKS, INC.'s store located at 5507 Hollywood Blvd.; WHITEY, INC.'s store located at 10654 Magnolia Blvd.; NEW WAVE, INC.'s business located at 6452 Lankershim Blvd.; N.F.M. CORPORATION's store located at 15452 Devonshire St.; PLUSH BOUTIQUE a d/b/a/ of Alex Wyszomirski located at 5601 W. Century Blvd.; CAROLINA ENTERPRISES, INC.'s business located at 5601 W. Century Blvd.; DASH, INC.'s business located at 8532 Sepulveda Blvd.; JOTH, INC.'s business located at 21625 Devonshire; JOAMAR, INC.'s business located at 6816-18 Winnetka; JAN RUBINI's bookstore

located at 12300 1/2 W. Pico Blvd.; 7180 SUNSET BLVD., INC.'s business located at 7180 Sunset Blvd.; and A.L.Q. CORPORATION's business located at 365 N. La Cienega Blvd., all in the City of Los Angeles; and

(2) instituting any civil, criminal or administrative proceedings against plaintiffs or their shareholders, officers, agents or employees for conducting an "adult bookstore", "adult arcade", "adult cabaret" or an "adult theatre" at any of the following locations, in alleged violation of those portions of L.A.M.C. § 12.70 prohibiting more than one adult entertainment business in the same building or portion thereof or within 1,000 feet of another "adult" business based upon a construction of the ordinance which applies to activities conducted exclusively within a single store or business: STUART PARR's store located at 6408 Tujunga Avenue; BRAND X VIDEO, INC.'s store located at 6161 Van Nuys Blvd.; NEW WAVE, INC.'s business located at 6452 Lankershim Blvd.; E.W.A.P., INC.'s, stores located at 12323 Ventura Blvd.; 4877 Lankershim Blvd.; 4459 W. Sunset Blvd.; 4539 Van Nuys Blvd; and 21625 Sherman Way; LIBRARY ONE, INC.'s store located at 752 Alvarado Blvd.; HARDROCK, INC.'s store located at 10930 Vanowen; BEVERLY BOOKS, INC.'s store located at 5507 Hollywood Blvd.; WHITEY, INC.'s store located at 10654 Magnolia Blvd.; N.F.M.'s store

located at 15452 Devonshire St.; and THE PLUSH BOUTIQUE a d/b/a/ of Alex Wyszomirski located at 5601 W. Century Blvd., all in the City of Los Angeles.

Signed on this 22 day of June, 1991

RICHARD A. GADBOIS, JR.
RICHARD A. GADBOIS, JR.
United States District Judge

Presented by:

/s/ G R GARROU
G. RANDALL GARROU
Attorney for plaintiffs